

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

August 5, 2008

3:30 P.M. SCHEDULED SESSION

3:35 P.M. MEETING COMMENCED

ROLL CALL: William Boyd, Joe Brown, Harold Collins, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Reid Hedgepeth, Myron Lowery, Bill Morrison, Jim Strickland, Barbara Swearengen Ware and Chairman Scott McCormick

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Dr. Sammie Holloway from Breath of Life Christian Center. Councilwoman Ware presented Dr. Holloway with a certificate naming him Chaplain of the day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

36. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE EAST SIDE OF COOPER STREET; +45 FEET NORTH OF WALKER AVENUE, CONTAINING 0.304 ACRE IN THE LOCAL COMMERCIAL (C-L) DISTRICT.**

Case No. SUP 08-221

Held to August 19, 2008

MINUTES

Approval of the Minutes of the regular meeting of July 15, 2008 with the following motion:

MOTION: Fullilove
SECOND: Strickland

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED

CONSENT AGENDA – Items 1-7 may be acted upon by one motion: SEE PAGE 2588 FOR ROLL CALL

1. **ORDINANCE TO AMEND PREVIOUS ORDINANCE NO. 4388, CODIFIED AS CITY CODE, TITLE 6, CHAPTER 6-92, SECTION 6-92-1, ET. SEQ., SO AS TO REVISE SECTION 6-92-11, SUBSECTION (A) TO ALLOW SAID TITLE 6, CHAPTER 6-92 TO REMAIN IN FULL AND EFFECT UNTIL DECEMBER 31, 2008, UP FOR F I R S T READING.**

Ordinance No. 5270

APPROVED, on First reading

2. **ORDINANCE TO AMEND CHAPTER 2, CODE OF ORDINANCES, CITY OF MEMPHIS, BY AMENDING SECTION 2-228 (ASPHALTIC BINDER PAVING OF STREETS CONSTRUCTED AS PART OF STANDARD IMPROVEMENT CONTRACTS; COSTS), TO INCLUDE THE REQUIREMENT FOR PROVISION OF THE SURFACE COURSE OF PAVEMENT AND STREET STRIPING BY THE DEVELOPER AND TO IMPLEMENT A WARRANTY REQUIREMENT FOR THE INFRASTRUCTURE CONSTRUCTED AS PART OF THE CITY STANDARD IMPROVEMENT CONTRACT, SO AS TO ENHANCE THE LONG-TERM STABILITY AND DURABILITY OF ROADWAYS BEING CONSTRUCTED, UP FOR F I R S T READING.**

Ordinance No. 5271

APPROVED, on First reading

3. **ORDINANCE TO PUBLISH HOME RULE AMENDMENTS AS DETERMINED BY THE CITY OF MEMPHIS CHARTER COMMISSION AND DELIVER HOME RULE AMENDMENTS TO THE ELECTION COMMISSION TOGETHER WITH A SUGGESTED PROPOSAL AND FORM OF PREFERENCE TO BE PLACED ON THE BALLOT IN AN ELECTION TO BE HELD ON THE 4TH DAY OF NOVEMBER, 2008, UP FOR F I R S T READING.**

Ordinance No. 5272

DROPPED

4. **ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), SO AS TO PROVIDE FOR THE APPROVAL OF DEPUTY DIRECTORS BY THE CITY COUNCIL AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 4, 2008, UP FOR S E C O N D READING.**

Ordinance No. 5267

APPROVED, on Second reading

5. **ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), SO AS TO PROVIDE FOR THE APPROVAL OF CONTRACTS BY THE CITY COUNCIL AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 4, 2008, UP FOR S E C O N D READING.**

Ordinance No. 5268

APPROVED, on Second reading

6. **ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SO AS TO ALLOW PERSONS EMPLOYED WITH THE CITY'S DIVISION OF POLICE SERVICES AFTER THIS DATE TO BE EXEMPTED FROM THE RESIDENCY PROVISIONS OF THE MEMPHIS CITY CHARTER AND ALLOWED TO RESIDE WITHIN TWENTY (20) MILES OF THE COUNTY LINE OF SHELBY COUNTY, TENNESSEE; AND PROVIDED EACH NON-RESIDENT SO EMPLOYED AGREES TO PAY AN ANNUAL FEE TO BE DEDUCTED BY PAYROLL ON A MONTHLY BASIS, FOR AS LONG AS EACH PERSON RESIDES OUTSIDE OF THE CITY AND FOR AS LONG AS EACH SUCH PERSON IS SO EMPLOYED BY THE CITY AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD ON NOVEMBER 4, 2008, UP FOR S E C O N D READING.**

Ordinance No. 5269

APPROVED, on Second reading

7. **NOTATIONS FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

- A. Case No. PD 08-312cc – Shelby Drive/Germantown Rd., P.D., 3rd Amendment
- B. Case No. PD 08-313cc – Dr. Aguiard P.D.

- C. Case No. PD 08-316 – Prescott Road P.D.
- D. Case No. PD 08-319 – Grace St. Luke’s School P.D.
- E. Case No. SUP 08-205cc
- F. Case No. SUP 08-216cc
- G. Case No. PD 90-312

Public Hearing Set for August 19, 2008

MOTION: Lowery – Drop Item #3 from the Consent Agenda

Without Objection, Item #3 removed from the Consent Agenda

ROLL CALL CONSENT ITEMS

MOTION: Ware
SECOND: Strickland
AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison,
Strickland, Ware and Chairman McCormick
Brown did not cast a vote

APPROVED, with the exception of Item #3, which was dropped from the Consent Agenda

MLGW FISCAL CONSENT – Items 8-19 may be acted upon by one motion:

8. **RESOLUTION AWARDING CONTRACT NO. 11185, ENVIRONMENTAL CONSULTING SERVICES, TO CENTER FOR TOXICOLOGY AND ENVIRONMENTAL HEALTH IN THE FUNDED AMOUNT NOT TO EXCEED \$530,000.00.**

APPROVED

9. **RESOLUTION AWARDING CONTRACT NO. 11285, BUILDING AUTOMATION SYSTEM FOR ADMINISTRATION BUILDING, TO TRANE U.S., INC. IN THE FUNDED AMOUNT OF \$84,851.00.**

APPROVED

10. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11110, COURIER SERVICES, WITH EXPRESS COURIER, INC. IN THE FUNDED AMOUNT OF \$144,946.71. (THIS REDUCES THE CONTRACT IN THE AMOUNT OF \$8,151.00 DUE TO THE ELIMINATION OF 19 COURIER STOPS PER WEEK, AND RENEWS THE CONTRACT FOR THE SECOND OF FOUR RENEWAL TERMS, SEPTEMBER 1, 2008 TO AUGUST 31, 2009.)**

APPROVED

11. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11268, INFORMATION SERVICES SUPPORT, WITH NEXTECH SOLUTIONS IN THE FUNDED AMOUNT OF \$158,661.25. (THIS INCREASES THE CONTRACT VALUE FOR THE AREA RESTRUCTURE PROJECT.)**

APPROVED

12. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11271, INFORMATION SERVICES SUPPORT, WITH TEK SYSTEMS IN THE FUNDED AMOUNT OF \$69,000.00. (THIS INCREASES THE CONTRACT VALUE FOR THE AREA RESTRUCTURE PROJECT.)**

APPROVED

13. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11272, INFORMATION SERVICES SUPPORT, WITH CIBER, INC. IN THE FUNDED AMOUNT OF \$198,716.75. (THIS INCREASES THE CONTRACT VALUE FOR THE AREA RESTRUCTURE PROJECT.)**

APPROVED

14. **RESOLUTION AMENDING PURCHASE ORDER NO. 126194 WITH TIGER EQUIPMENT FOR THE PURCHASE OF ONE INDUSTRIAL TRACTOR IN THE AMOUNT OF \$53,050.00**

APPROVED

15. **RESOLUTION AWARDED CONTRACT FOR REINFORCING STEEL TO GERDAU AMERISTEEL COMPANY IN THE AMOUNT OF \$54,654.00.**

APPROVED

16. **RESOLUTION AWARDED CONTRACT FOR STEP-VOLTAGE REGULATORS TO HD SUPPLY UTILITIES, LTD IN THE AMOUNT OF \$34,639.47.**

APPROVED

17. **RESOLUTION AWARDED CONTRACT FOR HARDWARE, SOFTWARE AND RELATED SERVICES TO LOGICALIS, INC. IN THE AMOUNT OF \$614,197.32.**

APPROVED

18. **RESOLUTION AWARDED CONTRACT FOR MICRO FOCUS SOFTWARE LICENSING AND SUPPORT TO MICRO FOCUS (US), INC. IN THE AMOUNT OF \$88,649.00.**

APPROVED

19. **RESOLUTION AWARDING CONTRACT FOR TWO PRESSURE-REGULATING CONTROL VALVE ASSEMBLIES TO FISHER CONTROLS C/O VRC COMPANY IN THE AMOUNT OF \$72,000.00.**

MLGW ROLL CALL CONSENT ITEMS

MOTION: Strickland – Pull Item #40 from the Consent Agenda for a separate discussion and vote

Without Objection, Item #40 separated from the MLGW Fiscal Consent Agenda

MAIN MOTION: Ware
SECOND: Ford
AYES: Boyd, Flinn, Ford, Fullilove, Morrison, Strickland, Ware and Chairman McCormick
Brown, Collins, Halbert, Hedgepeth and Lowery did not cast a vote

APPROVED, with the exception of Item #40 which will be voted on separately below

MLGW FISCAL CONSENT – ITEM #40, Set up as Special Item #1

40. **RESOLUTION APPROVING THE SELECTION OF NEPC, LLC, AS INVESTMENT MANAGEMENT CONSULTANT FOR BENEFIT OF THE MLGW RETIREMENT AND PENSION FUND, IN THE AMOUNT OF \$249,000.00 PLUS TRAVEL, UNDER CONTRACT NO. 11295. (Held from 6/17; 7/1)**

MOTION: Ware
SECOND: Flinn

No action taken on the motion. Set up as Special Item #1

MAIN MOTION: Brown – Hold for two weeks
SECOND: Flinn

The Chairman stated that without objection this item will be held for two weeks. He then asked is there any objection? Mrs. Ware stated that she objected. She asked if Mr. Collins would come to the podium and state how a delay would affect MLGW, if it will not affect MLGW, then she does not have any objection. After Jerry Collins explanation of this item, Mrs. Ware also stated that we needed to approve same night minutes for this item. The Chairman asked Mrs. Ware if he wanted to withdraw her objection; she said absolutely.

Without Objection, item held until August 19, 2008, set up as Special Item #2

20. **APPOINTMENTS**

MEMPHIS CITY BEAUTIFUL COMMISSION

Appointments

Shericka L. Blair
Valesa S. Johnson

Reappointments

Jake Allen
Sutton Mora Hayes
Yvonne Nelson
Cynthia Magallon Puljic

MOTION: Flinn
SECOND: Strickland
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Lowery, Morrison,
Strickland, Ware and Chairman McCormick
Hedgepeth did not cast a vote

APPROVED

21. **RESOLUTION ACCEPTING ADDITIONAL FEDERAL GRANT FUNDS IN THE AMOUNT OF \$1,667,402.00 FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE COORDINATED TRAFFIC SIGNAL SYSTEM YEAR 2 PROJECT TO HELP RELIEVE TRAFFIC CONGESTION AND RELATED AIR POLLUTION ON VARIOUS MAJOR ROADWAYS IN THE CITY OF MEMPHIS. RESOLUTION ALSO AMENDS THE FY 2009 OPERATING BUDGET BY ADDING THESE FUNDS TO THE PROJECT (EN90008) AND APPROPRIATES GRANT FUNDS.**

City Engineer recommends approval

MOTION: Morrison
SECOND: Boyd
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED

22. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF THREE HUNDRED EIGHTY-THREE THOUSAND, TWO HUNDRED EIGHTEEN DOLLARS (\$383,218.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE YOUTH SERVICES GRANT. RESOLUTION ALSO AMENDS THE FY 2009 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Collins
SECOND: Morrison
AYES: Boyd, Brown, Collins, Ford, Fullilove, Hedgepeth, Lowery, Morrison,
Strickland, Ware and Chairman McCormick
Flinn and Halbert did not cast a vote

APPROVED

23. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF FIFTY NINE THOUSAND, THREE HUNDRED FORTY DOLLARS (\$59,340.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE ADULT SERVICES GRANT. RESOLUTION ALSO AMENDS THE FY 2009 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Collins
SECOND: Boyd
AYES: Boyd, Brown, Collins, Ford, Fullilove, Hedgepeth, Lowery, Morrison,
Strickland, Ware and Chairman McCormick
Flinn and Halbert did not cast a vote

APPROVED

24. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF SEVENTY SIX THOUSAND, TWO HUNDRED FORTY TWO DOLLARS (\$76,242.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT FOR WIA TITLE ONE DISLOCATED WORKERS SERVICES GRANT. RESOLUTION ALSO AMENDS THE FY 2009 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Collins
SECOND: Boyd
AYES: Brown, Flinn, Ford, Fullilove, Hedgepeth, Lowery, Morrison, Ware and
Chairman McCormick
Boyd, Collins, Halbert and Strickland did not cast a vote

APPROVED

25. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF FOUR THOUSAND, SEVEN HUNDRED EIGHTY SIX DOLLARS (\$4,786.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE DISLOCATED WORKERS AND ADMINISTRATIVE SERVICES GRANT. RESOLUTION ALSO AMENDS THE FY 2009 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Collins
SECOND: Boyd
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Hedgepeth, Lowery, Morrison, Ware and Chairman McCormick
Halbert and Strickland did not cast a vote

APPROVED

26. **RESOLUTION AUTHORIZING THE DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT TO AWARD \$832,769.00 IN GRANTS TO FUND DESIGNATED 501(C)3 ORGANIZATIONS FOR THE PURPOSE OF NEIGHBORHOOD COMMUNITY, BUSINESS, AND ECONOMIC DEVELOPMENT PROGRAMS.**

MOTION: Ford
SECOND: Morrison
AYES: Boyd, Brown, Flinn, Ford, Fullilove, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Collins, Halbert and Hedgepeth did not cast a vote

APPROVED

27. **RESOLUTION APPROPRIATING \$139,161.00 FUNDED BY G.O. BONDS GENERAL (STORM WATER) IN PERKINS AREA DETENTION, PROJECT NUMBER ST03096 FOR A CONSTRUCTION CONTRACT WITH FERRELL PAVING, INC.**

MOTION: Morrison
SECOND: Boyd
AYES: Boyd, Brown, Flinn, Ford, Fullilove, Hedgepeth, Lowery, Strickland, Ware and Chairman McCormick
Collins, Halbert and Morrison did not cast a vote

APPROVED

28. **RESOLUTION APPROPRIATING \$151,910.00 FUNDED BY SEWER REVENUE BONDS FOR ST. STEPHEN'S SEWER EXTENSION, PROJECT NUMBER SW01028 FOR A CONSTRUCTION CONTRACT WITH ARGO CONSTRUCTION.**

MOTION: Morrison
SECOND: Ford

AYES: Boyd, Flinn, Ford, Fullilove, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Brown, Collins and Halbert did not cast a vote

APPROVED

29. **RESOLUTION APPROPRIATING \$124,905.00 FUNDED BY SEWER FUNDS FOR PLEASANT RUN SEWER EXTENSION, PROJECT NUMBER SW03016 FOR A CONSTRUCTION CONTRACT WITH ARGO CONSTRUCTION TO PROVIDE SERVICE TO AN UNSEWERED AREA.**

MOTION: Morrison
SECOND: Boyd
AYES: Boyd, Flinn, Ford, Fullilove, Lowery, Strickland, Ware and Chairman McCormick
Brown, Collins, Halbert, Hedgepeth and Morrison did not cast a vote

APPROVED

30. **RESOLUTION APPROPRIATING \$576,934.00 FUNDED BY SEWER REVENUE BONDS FOR TULIP CREEK SEWER EXTENSION, PROJECT NUMBER SW01023 FOR A CONSTRUCTION CONTRACT WITH B & C CONSTRUCTION.**

MOTION: Morrison
SECOND: Boyd
AYES: Boyd, Ford, Halbert, Lowery, Morrison, Ware and Chairman McCormick
Brown, Collins, Flinn, Fullilove, Hedgepeth and Strickland did not cast a vote

APPROVED

31. **RESOLUTION TO DECREASE THE MONTHLY SOLID WASTE FEE FOR THE APARTMENT HOUSES AND MOBILE HOMES WITH CENTRALIZED, MECHANIZED COLLECTION FOR EACH UNIT IN ACCORDANCE WITH CHAPTER 9, SECTION 9-56-11 OF THE SOLID WASTE FEES FOR COLLECTION AND DISPOSAL ORDINANCE.**

MOTION: Morrison
SECOND: Ford
AYES: Boyd, Brown, Flinn, Fullilove, Halbert, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Collins, Ford and Hedgepeth did not cast a vote

APPROVED

32. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$6,000.00 FROM THE TENNESSEE HISTORICAL COMMISSION FOR THE MEMPHIS LANDMARKS COMMISSION CAMP TRAINING TO HOST A NATIONAL ALLIANCE OF PRESERVATION COMMISSIONS ASSISTANCE AND MENTORING PROGRAM (CAMP) TO CONTINUE THE MEMPHIS LANDMARKS COMMISSIONERS TRAINING AS REQUIRED BY THE CERTIFIED LOCAL GOVERNMENT AGREEMENT. RESOLUTION ALSO AMENDS THE FY 2009 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS AND MATCHING FUNDS IN THE AMOUNT OF \$4,000.00.**

MOTION: Lowery
SECOND: Morrison
AYES: Boyd, Brown, Ford, Fullilove, Halbert, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Collins, Flinn and Hedgepeth did not cast a vote

APPROVED

33. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$2,900.00 FROM THE TENNESSEE HISTORICAL COMMISSION FOR THE MEMPHIS LANDMARKS COMMISSIONER TRAINING TO SEND AT LEAST TWO COMMISSIONERS OR STAFF TO THE NATIONAL ALLIANCE OF PRESERVATION COMMISSIONS FORUM 2008 NATIONAL CONFERENCE. THE MEMPHIS LANDMARKS COMMISSIONERS AND STAFF ARE REQUIRED BY THE CERTIFIED LOCAL GOVERNMENT AGREEMENT TO RECEIVE TRAINING EVERY YEAR. RESOLUTION ALSO AMENDS THE FY 2009 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS AND MATCHING FUNDS IN THE AMOUNT OF \$1,934.00.**

MOTION: Lowery
SECOND: Boyd
AYES: Boyd, Brown, Collins, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Flinn did not cast a vote

APPROVED

MOTION: Lowery – Approve same night Minutes for Items 32 and 33

Without Objection, same night Minutes will be prepared

34. **RESOLUTION APPROVING A HOTEL WAIVER FOR HYATT PLACE LOCATED AT 7905 GIACOSA PLACE. (Held from 7/1; 7/15)**

MOTION: Lowery
SECOND: Collins

AYES: Boyd, Brown, Collins, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Flinn did not cast a vote

APPROVED

MOTION: Lowery – Prepare same night Minutes for Item 34

Chairman McCormick asked if there is any objection to adding these same night Minutes to the others. Councilman Brown stated that he objected. Councilman Brown withdrew his objection. Council Lowery withdrew his motion for same night minutes.

35. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED 370 FEET SOUTH OF DEXTER ROAD; ± 490 FEET WEST OF APPLING ROAD, CONTAINING 6,400 SQUARE FEET, IN THE AGRICULTURAL (AG) DISTRICT.**

Case No. SUP 08-214cc

Applicant: Crown Castle, Inc.
Sean Massey, CCIM

Request: Extend existing 150 ft. cell tower (CMCS) to 165 ft.

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

MOTION: Boyd
SECOND: Morrison
AYES: Boyd, Brown, Collins, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Flinn recused

APPROVED

37. **RESOLUTION APPROVING A HOTEL WAIVER FOR KINGS INN LOCATED AT 1250 S. BELLEVUE, MEMPHIS, TN 38106.**

MOTION: Lowery
SECOND: Morrison

Councilman Lowery moved this item to get it on the floor. They voted in Committee to send this item back to LUCB so the applicant can obtain a special use permit. The vote taken below is to send it back to LUCB and does not represent a vote for a hotel waiver.

AYES: Boyd, Halbert, Hedgepeth, Lowery, Morrison and Chairman McCormick
NAYS: Brown, Flinn, Ford and Fullilove
Collins abstained

Strickland and Ware did not cast a vote

APPROVED, item will be sent back to LUCB to obtain a Special Use Permit. Item not approved as a hotel waiver.

38. **RESOLUTION ESTABLISHING A MORATORIUM ON THE ISSUANCE OF ADULT-ORIENTED BUSINESS AND COMPENSATED DANCE PERMITS BY THE MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT AND THE MEMPHIS ALCOHOL COMMISSION AND PERMITS OFFICE, UNTIL MARCH 1, 2009.**

MOTION: Lowery

SECOND: Morrison

AYES: Boyd, Collins, Flinn, Ford, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Brown and Fullilove did not cast a vote
Halbert abstained

APPROVED

39. **RESOLUTION TO TRANSFER THE HIRING PROCESS OF POLICE OFFICERS TO THE HUMAN RESOURCES DIVISION.** (Held from 6/17; 7/1; 7/15)

MOTION: Halbert – Hold for two weeks

Without Objection, item held for two weeks – August 19, 2008

MINUTES

Approval of the Minutes of the regular meeting of August 5, 2008 for Items 32 and 33 only:

MOTION: Lowery

SECOND: Morrison

AYES: Boyd, Collins, Flinn, Ford, Halbert, Hedgepeth, Morrison, Strickland, Ware and Chairman McCormick
Brown, Fullilove and Lowery did not cast a vote

APPROVED, items 32 and 33 only. Set up as Special Item #3

Councilwoman Ware stated that Attorney Wade called it her attention the fact that since we did not approve a waiver, that that hotel is continuing to operate and we have no protection, we have zero protection, so perhaps we could approve a limited waiver. Chairman McCormick stated that we have already voted on it. Attorney Wade stated that you could reconsider it at the next meeting or if you wanted to approve a limited waiver that would be in your purview, until he could get a Special Use Permit.

Chairman McCormick recognized the following persons who spoke from the audience:

Michael Arcamuzi, 2072 Kirby Road, Mphs, TN 38119
Chris Caldwell, 244 Angelus, Mphs, TN 38112
Deirdre Daw, 1971 Harbert Ave., Mphs, TN 38104
Tracy Franklin, 1940 Bender Rd., Mphs, TN 38116
Carla Norton, 3069 Mon Cheri Lane, Mphs, TN 38119
Betty Robinson, 843 Alaska St., Mphs, TN 38107
Charles Scott, 3689 Huckleberry St., Mphs, TN 38116
Ida Steinberg, 7437 Hunter Trail Cove, Mphs, TN 38125
Rhoda Stigall, 800 Dolan Rd., Mphs, TN 38116
Tia Staton, 96 Angelus, Mphs, TN 38104
Val Williams, 4746 Spottswood, Mphs, TN 38104

ADJOURNED MEETING AT 5:55 P.M.

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

C H A I R M A N

Attest:

Deputy Comptroller/Council Records